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Tuesday, 2 November 1993
at 10 a.m.

NEW YORK

President: Mr. INSANALLY
(Guyana)

The meeting was called to order at 10.20 p.m.

AGENDA ITEM 8 *(continued)*

ADOPTION OF THE AGENDA AND ORGANIZATION OF WORK: SIXTH REPORT OF THE GENERAL COMMITTEE (A/48/250/Add.5)

The PRESIDENT: The sixth report (A/48/250/Add.5) of the General Committee concerns a request by Burundi for the inclusion in the agenda of the current session of an additional item entitled "The situation in Burundi".

The General Committee decided to recommend to the General Assembly that the item should be included in the agenda.

May I take it that the General Assembly decides to include in its agenda this additional item?

It was so decided.

The PRESIDENT: The General Committee further decided to recommend to the Assembly that the item should be considered directly in plenary meeting.

May I take it that the Assembly adopts this recommendation?

It was so decided.

The PRESIDENT: May I also take it that, as requested by several Member States, the item should be given priority for immediate consideration by the Assembly because of its urgent character?

It was so decided.

The PRESIDENT: The Assembly will thus consider the item on the situation in Burundi as the last item of this morning's meeting.

I should like to inform members that this new item becomes item 170 of the agenda of the forty-eighth session of the General Assembly and that the documents reflecting its inclusion and allocation will be issued tomorrow.

The list of speakers for agenda item 170 is now open.

I should also like to inform members that a draft resolution on the situation in Burundi will shortly be available in the General Assembly Hall as document A/48/L.16.

AGENDA ITEM 21

RETURN OR RESTITUTION OF CULTURAL PROPERTY TO THE COUNTRIES OF ORIGIN

(a) REPORT OF THE SECRETARY-GENERAL (A/48/466)

(b) DRAFT RESOLUTION (A/48/L.15)

The PRESIDENT: I call on the representative of Zaire to introduce draft resolution A/48/L.15.

This record is subject to correction.
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ENGLISH

Mr. JUMA (Zaire) *(interpretation from French)*: Since this is the first time my delegation has spoken in the Assembly at this session, we wish at the outset to congratulate you, Sir, on your outstanding election to the presidency of the General Assembly. Our congratulations also go to the other members of the Bureau.

The main thrust of my statement is the introduction of draft resolution A/48/L.15 on agenda item 21, entitled "Return or restitution of cultural property to the countries of origin". In this connection, my delegation first wishes to congratulate the Secretary-General on his instructive, concise and complete report (A/48/466), which we have just read with great attention. As was done in earlier years, a certain number of States have sponsored this draft resolution which, at the initiative of my country, Zaire, is regularly submitted to Member States for their consideration.

There is no need to prove that work on the item under consideration has made tangible progress on all continents and has prompted States to cooperate to a greater degree towards the progressive implementation of the relevant resolutions. The cultural and moral nature of the restitution of cultural property arises from a moral principle capable of strengthening harmony and international cooperation. It endows the matter with an enduring political, economic and cultural dimension.

Every nation is attached to its artistic values, its culture and its creative drive and to everything that contributes to the flowering of its environment. The African States in particular have often reaffirmed the importance of the contribution of culture to the definition of societies within which peoples throughout the world wish to live in harmony. This reaffirmation is manifest in the Cultural Charter of Africa.

Mindful of the fact that, during the colonial era and in the course of the many wars fought between various nations, the States of the third world endured not only domination but also and particularly the systematic pillaging of their artistic works, it is only right that the restitution of this cultural property should become a part of the historic liberation process - not only political and economic liberation, but cultural as well. This is the reasoning behind the work undertaken by my country, Zaire, since 1973. It also led the United Nations Educational, Scientific and Cultural Organization to launch an enormous operation aimed at encouraging countries which, one way or another, had appropriated the artwork or cultural property of other countries to return them.

My delegation welcomes the positive and tangible results secured by the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or Its Restitution in Case of Illicit Appropriation. The list of property restored over the past years is undeniable proof of the importance of draft resolution A/48/L.15; hence my delegation is once again submitting a draft resolution on this subject to the General Assembly for adoption.

Mr. SHAMBOS (Cyprus): An item on the return or restitution of cultural property to the countries of origin was first considered by the General Assembly in 1972, but the theft and removal of objects of cultural and archaeological significance have a much longer history. And they go on and on unabated.

Even more disturbing is the fact that, on certain occasions, desecration and pillage are the order of the day through conscious attempts to extinguish the cultural heritage of territories forcibly stripped of their lawful inhabitants or to distort the spirit identifying the source of cultural creativity of nations in their evolution through history. Thousands of cultural treasures end up in foreign museums and private collections. Others are destroyed in the process of smuggling, or in the hands of ignorant or unscrupulous individuals. With the loss of these archaeological objects, a part of history is also for ever lost to the nation or country of origin, and to the world in general.

As in the case of other countries, this constant haemorrhage of our cultural heritage is the main reason why my Government has supported, from the very first, the inclusion of this item in the agenda. We particularly appreciate the constant efforts of the United Nations Educational, Scientific and Cultural Organization (UNESCO) and its specialized committee, the Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin and Its Restitution in Case of Illicit Appropriation, for enhancing world awareness and assisting countries to reclaim their cultural property.

I should also like to express our sincere appreciation to the Director-General of UNESCO for the progress report reproduced in document A/48/466, and to commend him on his continued efforts to promote the return or restitution of cultural property to the countries of origin.

We note in the report that UNESCO's Intergovernmental Committee is presently considering a number of claims in the context of facilitating sensitive bilateral negotiations which, it is hoped, will lead to the eventual repatriation of the cultural properties in question. We strongly believe that bilateral negotiations, especially when embarked upon in conjunction with increased

international cooperation, could effectively promote the aims of the Committee.

In this respect, it is crucial, whether States act jointly or individually, that the focus of these efforts should be to protect artifacts in their original shape and context, restoring them where necessary to the countries and peoples of their origin, for the sake of cultural continuity and justice.

Similarly, we welcome the efforts to improve the existing international conventions for the protection of the world's cultural heritage, and we agree that our focus should be centred on increasing the number of ratifications by non-party States and on providing technical assistance to States where there are acute problems of illicit trafficking in archaeological objects.

We are following with great interest and high expectations the negotiations on the UNIDROIT preliminary draft Convention on Stolen or Illegally Exported Cultural Objects, and we hope that this process will be finalized in the very near future.

We are of the view that special attention should be paid to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict. The multiplying armed conflicts that mankind is being faced with nowadays have highlighted the indiscriminate destruction and plundering of archaeological objects and sites. Being ourselves victims of invasion and occupation, we are well aware of the wanton and systematic looting, vandalism and devastation that follow such events.

The richness and variety of the cultural heritage of Cyprus are renowned all over the world. The soil of Cyprus never ceases to reveal further testimony to the millennial passage of history over this vital crossroads of three continents. Cyprus is the focal point for many renowned historians and archaeologists. Through meticulous archaeological excavations, or sometimes by chance, an impressive diversity of remnants from an even more impressive cultural heritage is regularly yielded up.

The wealth of our cultural heritage has, however, also attracted unscrupulous collectors and treasure hunters who illegally remove priceless cultural treasures of Cyprus. The famous Kanakaria mosaics are an internationally celebrated case in point and for the return of stolen and plundered artifacts. In this case, the Republic of Cyprus brought legal action in the United States for the recovery of four priceless Byzantine mosaics, crudely hacked and stolen from the apse of the sixth-century church of Kanakaria in the occupied part of Cyprus and sold to an American art dealer.

Following a lengthy judicial process, the United States Court of Appeal confirmed that the mosaics before it were of great intrinsic beauty, that they were the virtually unique remnants of an earlier artistic period and that they should be returned to their homeland and their rightful owner. The Court said that it took this decision, not only because the mosaics belonged in Cyprus, but as a reminder that greed and callous disregard for the property, history and culture of others could not be countenanced either by it or by the world community.

Referring to words of Lord Byron, and awarding possession of these valuable mosaics to Cyprus, Chief Judge Bauer continued:

> "Byron, writing of the Turkish invasion of Corinth in 1715, could as well have been describing the many churches and monuments that today lie in ruins on Cyprus, a small war-torn island in the eastern corner of the Mediterranean Sea. As Byron's poem laments, war can reduce our grandest and most sacred temples to mere 'fragments of stone'. Only the lowest of scoundrels attempt to reap personal gain from this collective loss. Those who plundered the churches and monuments of war-torn Cyprus, hoarded their relics away, and are now smuggling and selling them for large sums, are just such blackguards. The Republic of Cyprus, with diligent effort, has been able to locate several of these stolen antiquities; items of vast cultural, religious (and monetary) value."

This decision is not only a precedent-setting case for the return of stolen antiquities to countries of origin, but is also a vindication of the position of countries suffering such losses while under foreign occupation.

Notwithstanding, however, the encouraging outcome of this case, my Government remains concerned about the continuing losses that the cultural heritage of Cyprus has been suffering since 1974. We receive reports, almost on a daily basis, of destruction and pilferage. The most severe destruction has been suffered by churches and monasteries. Over 100 have been stripped of their sacred objects and looted of their icons, frescoes and mosaics.

We strongly condemn these desecrations and the ongoing destruction, and we appeal for resolute action on the part of the international community to preserve a cultural heritage that casts a long shadow from the dawn of history and over modern civilization, and to preserve the bleeding soul and living memory of generation after generation of its rightful owners, the people who created that heritage by the sweat of their brows all down the centuries on the land of Cyprus until this very day.

Let me stress in this connection that the Government of Cyprus and other institutions and individuals have spared no effort or money in seeking to recover - even buy back - whatever Cypriot antiquities could be salvaged. We are grateful to these institutions and to international organizations for their cooperation and assistance. They have undertaken a world-wide campaign for the discovery and return of many significant cultural treasures. Nevertheless, despite the assistance of many organizations - including UNESCO, the International Council of Museums and Sites, the International Criminal Police Organization (INTERPOL), Europa Nostra and the Council of Europe - and devoted curators and scholars throughout the world, we still have no control over the fate of our cultural heritage in our own territory in the occupied part of the Republic.

This area contains the largest part of the island's archaeological and historical sites and religious monuments. These include the Venetian walled city of Famagusta; the seaport of Kyrenia, with its medieval castle; the archaeological sites of Salamis, Mycenaean Engomi, Vouni Palace and Soli; the three medieval castles of the Kyrenia range, St. Hilarion, Buffavento and Cantara Castles; churches and monasteries built between the fourth and nineteenth centuries; and neolithic, Bronze Age, Phoenician, Greek and Roman sites - literally hundreds of places of great historical interest and value.

It is our hope that the United Nations, through its specialized agencies, will continue to contribute to increasing the awareness of the international community of the irrevocable damage done to the cultural heritage of individual countries through plunder and destruction. For, in the final analysis, the loss of a cultural heritage is indeed a loss for the global culture, for future generations and for humanity. It is a loss for ever.

In conclusion, may I emphasize that we firmly believe that no conquest of the past, no occupation of the present, no illicit acquisitions of any sort can justify for long the withholding or refusal of return or restitution of cultural property to its rightful owners: the peoples who were the creators of that property and their countries of origin, as the case might be. Neither secular nor divine law would allow otherwise. From the depths of history, the cry of the tragedian of old, Euripides, testifies to that in these words:

> "Foolish is the one who sacks a city, making a desert of temples, pillaging the tombs, the sanctuaries of the dead; for he prepares his own doom in times to come."

Mr. BATU (Turkey):As a nation with a rich cultural heritage, Turkey is particularly pleased that we are again considering, under agenda item 21, the important issue of the return or restitution of cultural property to the countries of origin.

Having taken note of the valuable report (A/48/466) of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), my delegation wishes to reaffirm its firm support for the efforts of that Organization to promote the return or restitution of cultural property to the countries of origin. The references in the report to the serious increase in the illicit traffic of stolen cultural property underscore the need for further action in this area.

Turkey's heritage can be traced to many ancient civilizations. We are the repository of the treasures provided by these great civilizations. Turkey has thus become a key target for looters and traffickers in stolen art and antiquities. As a result of the systematic plundering of our archaeological sites, many of our cultural treasures have been unlawfully removed and acquired by museums and collectors in certain countries.

It is essential that these properties be located and returned to us. Indeed, it is critical to the preservation of the heritage of all art-rich nations that their cultural properties be preserved in their geographical and natural surroundings and be available for scientific and archaeological studies in their proper context. This is the prevalent world view, and we must accelerate our efforts to accomplish this goal.

As the Director-General's report observes, much has been done under the auspices of UNESCO since 1991 to protect cultural property in its original and natural context and to repatriate the property illegally taken from countries of origin. Moreover, as the report notes, Turkey has initiated bilateral negotiations with the Federal Republic of Germany for the return of a sphinx from Boguskoy and has issued two notices of stolen property, one concerning the theft on 9 December 1990 of 34 antique coins, mostly gold, from the collection of the Kayseri Museum, and another concerning the theft of 596 pieces of Iznik ceramic tiles from the Bayrampasa Turbesi Museum in Istanbul.

While some progress has been made, there can be no doubt that more should be accomplished at the international level. Thus far, cooperation between nations has not achieved a workable mechanism for dealing with specific cases of the illicit removal of cultural property from the countries of origin. As a result, the international traffic in stolen cultural property proliferates, and the archaeological treasures of Turkey and other art-rich

countries continue to be at risk of plunder. We must continue to work together to achieve acceptable measures to accomplish the return and repatriation of stolen cultural property to the countries of origin by international action, which the present available Conventions and Protocols do not provide.

Unless and until this goal is accomplished, we have no choice but to address these problems through bilateral negotiations and in the courts. In this area, Turkey has taken the lead among art-rich nations in seeking redress through the courts to recover its stolen cultural patrimony. Our painstaking efforts in this regard have been vindicated, most recently by the successful resolution of a six-year lawsuit against the Metropolitan Museum of Art to recover the fabled "Lydian hoard" antiquities, which have now been returned to us.

The 363 "Lydian hoard" antiquities returned by the Metropolitan will be prominently exhibited in the museums of Istanbul, Ankara and other Turkish cities, together with some other artifacts. Turkey considers this as a precedent-setting case and is hopeful that the return of this priceless collection will help pave the way toward establishing the rights of all nations to recover stolen artistic and cultural property and deterring smugglers and traffickers from further spoliations of ancient treasures in Turkey and other art-rich States.

Turkey is hopeful that it will one day be able to bring cultural property of the Turkish people home without delay and the expense of legal action. Until then, it will protect its rights in the courts whenever and wherever it has to do so. At the same time, Turkey will continue to contribute to international efforts to solve this serious problem. In this regard, Turkey has, among other things, ratified the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict, the 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, and the 1972 Convention concerning the Protection of the World Cultural and Natural Heritage.

Moreover, Turkey has participated in the negotiations in the framework of the International Institute for the Unification of Private Law (UNIDROIT) on the preliminary draft Convention on Stolen or Illegally Exported Cultural Objects, most recently at the last meeting of experts held at Rome in October 1993. We look forward to the diplomatic conference that will consider the draft Convention next year. We must, however, caution art-importing nations to give serious consideration to the concerns expressed by Turkey and other art-rich nations with respect to compensation, retroactivity and like issues, so that a document that effectively addresses the problem and is acceptable to the greatest number of nations has a realistic chance of approval.

We urge all nations to work together to ensure, on an international level, the protection, recovery and return of stolen and illegally exported archaeological, historical and cultural property. By preserving our respective cultural heritages and restoring them to the rightful countries of origin, we shall best serve the interests of all peoples of the world for generations to come. We pledge our support to that process.

Mr. KHANAL (Nepal): Our world is blessed with rich cultural diversity. That diversity has inspired human imagination and creativity of an astounding variety. Respect for the right of each people to develop its culture and respect for the dignity and value of each culture across national boundaries are essential preconditions for the development of a climate of peace and tolerance. Indeed, as was rightly stated in the Declaration of the Principles of International Cultural Cooperation, adopted by the United Nations Educational, Scientific and Cultural Organization (UNESCO) in 1966, reciprocal respect for, and influence of, the variety and diversity of cultures form a part of the common heritage of mankind.

Illicit trafficking and appropriation of cultural property is hence one of the sad developments of modern civilization. Such criminal acts rob countries of their past. Each piece of cultural property is an essential part of the heritage of the country of origin. Illegal and clandestine uprooting destroys the symbolic bond between a creation of the human mind and its place of origin. As a result, mankind as a whole loses an essential part of the heritage of its civilization.

Since 1973 the General Assembly has been considering this agenda item. International cooperation for the restitution or return of cultural property without charge is the minimum just reparation for the damage done. One welcome result of this initiative has been closer coordination between the General Assembly and UNESCO in efforts to halt this traffic and to effect the restitution of cultural property.

The 1970 UNESCO Convention on the Means of Prohibiting and Preventing the Illegal Import, Export and Transfer of Ownership of Cultural Property is a major instrument in this area. My delegation appreciates the valuable work done by UNESCO through its Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, of which Nepal

is a member. At the forty-sixth session of the General Assembly, the Director-General of UNESCO submitted an exhaustive study describing the achievements of the Intergovernmental Committee. My delegation appreciates the updated report of the Director-General of UNESCO, which has been transmitted to the General Assembly in document A/48/466.

My country, Nepal, is situated at the crossroads of two of the most ancient civilizations. Nepal itself is the home of a uniquely fascinating and rich cultural diversity. We are proud of our cultural heritage, which attracts visitors from all over the world. The three cities of the Kathmandu valley are renowned for the richness of their architecture, sculpture, paintings and manuscripts. The value of the artistic monuments of the Kathmandu valley is clear from their designation by UNESCO as the cultural heritage of mankind. The items of our cultural heritage continue to be used today in community and family rites and ceremonies.

It is therefore deeply saddening to see our ethnic and folkloric objects, our religious statues, paintings, intricate woodwork and metalwork, and our manuscripts systematically plundered. Every community in Nepal has been affected by this illicit traffic. His Majesty's Government has been taking strong measures to counter this illegal activity. However, governmental action alone is not enough to stop this nefarious business. We appeal for cooperation in drawing up systematic inventories of the cultural property in our country and of our cultural property abroad. This could be an important step towards the preservation of our cultural heritage and towards the return or restitution of works of art that have been removed from Nepal. It might also be helpful to start thinking in terms of punitive compensation in case of damage to cultural property owing to illicit traffic.

Nepal has been working with other countries to counter the serious increase in illicit traffic. In that regard, I wish to make particular mention of the regional workshop held in 1992 in Thailand in cooperation with UNESCO. It was attended by participants from 15 Asia-Pacific countries and observers and representatives from the International Criminal Police Organization (INTERPOL), the Customs Cooperation Council and the International Council of Museums. The workshop gave the participants an opportunity to exchange information about their national experiences and common problems, including those related to effects of tourism.

My delegation fully agrees with the view that dissemination of information and a campaign of education in both developed and developing countries are crucial in raising public awareness of this important matter. Nepal appreciates the efforts of UNESCO in that direction, and we urge even greater efforts in the days to come. We strongly condemn illicit traffic in cultural property, just as we strongly advocate adherence to the principle of restitution and return. Nepal stands ready to cooperate with all countries in efforts to preserve and protect the cultural heritage of mankind.

The PRESIDENT: I should like to propose that the list of speakers in the debate on this agenda item be now closed.

It was so decided.

Mr. CAMACHO OMISTE (Bolivia) *(interpretation from Spanish):* Bolivia possesses vast archeological, ethnic, historical and artistic wealth that comes, in large part, from a cultural diversity encompassing an important pre-Columbian indigenous tradition that endures today.

The marginalization and subjugation suffered by the indigenous cultures through several centuries have not prevented the continued existence of important human cultures that keep intact invaluable traditions and customs in defence of their identity.

Here I should like to speak about the specific instance of one of my country's indigenous communities. The community of Coroma, in the central region of Bolivia, defends its way of life as a means of keeping faith with its ancestral culture and of resisting misguided definitions of progress.

One of the central elements in Coroma's life is the religious festivals, in which the entire population takes part. The people display ancient ceremonial weavings of great artistic value that depict their ancestors and serve a cohesive function for their social organization.

In 1978, during the annual celebration held on 1 November, a group of international traffickers managed to take out of the community complete records of the textiles exhibited. Subsequently, through middlemen, they replaced the best pieces and took them out of the country as handicrafts, thus circumventing the laws regarding Bolivia's cultural heritage.

Fortunately, the leaders of the community had written inventories of the textiles and records of all visitors to the region, which made it possible to make reports to the legal authorities. As a result, in 1988 the Customs authorities of the United States of America seized about 700 pieces, of incalculable value, some of which were to be displayed at a festival in San Francisco, California.

After more than five years of litigation and negotiations, which included the signing of a bilateral agreement between Bolivia and the United States, 43 of the textiles were returned to their community of origin, in view of the pre-eminent role they play in social, political and religious life there. The rest of the material seized was handed over to the traffickers, and it was not possible to set a judicial precedent. What is more, the dealer involved has initiated legal action against the community of Coroma and the Government of the United States, demanding the signing of an agreement that would prevent the legitimate owners from recovering their textile heritage. Judicial proceedings, initially decided in favour of Bolivia, are under way in Canada with a view to achieving the recovery of other ancient textiles of great artistic and historical value.

Bolivia wishes to take this opportunity to thank the authorities of the United States and of Canada for what they have done to date. Nevertheless, my Government is of the view that there is more to be done, since the archeological, historical, ethnological and artistic heritage of our nation continues to be subjected to intensive plunder that has reached alarming proportions.

We have specific information about displays and sales, in certain cities of Germany and England, of ancient Andean textiles that have passed through the United States. Accordingly, we ask the countries that are signatories of the United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention of 1970 that have also signed bilateral accords prohibiting the import of cultural property to study the possibility also of limiting the export from the co-signing country of objects of this type that might, for whatever reason, be found in their territory.

Bolivia appeals to the parties to the 1970 Convention to take measures to prohibit and impede the illegal import, export and transfer of cultural property, and invites other countries to become parties to that Convention. Bolivia looks forward to the completion of legal proceedings for the recovery and return of illegally exported cultural property, and requests that museums, both public and private, and art collectors be urged to ascertain the origin and legitimacy of ownership of pieces before making any acquisition.

Bolivia also deems it necessary, above and beyond bilateral agreements that might be reached, that joint action be taken focusing, through the domestic legislation of individual countries, on respect for the prohibition on exporting and importing property considered to be part of a national heritage, as Canada has done.

Diversity also involves a reassessment of the traditional and indigenous cultures of our countries, which are often adversely affected by certain aspects of the process of change. This applies to native communities that suffer the constant theft of their historic, artistic and religious heritage by international traffickers who sell ancient ceremonial objects in various world capitals, without the industrialized nations taking preventive measures. We need to take a firm stand to safeguard our archaeological, historic, ethnological and artistic wealth. The United Nations should play a decisive role in protecting the cultural property of our peoples.

Bolivia is a co-sponsor of the draft resolution (A/48/L.15) before the Assembly.

Mr. OUCH (Cambodia) *(interpretation from French)*: As this is the first occasion on which I have addressed the Assembly, allow me first, on behalf of the delegation of the Kingdom of Cambodia, to offer you, Sir, my warmest congratulations on your election to the presidency of the General Assembly at this forty-eighth session. I am firmly convinced that under your leadership, and in view of your extensive diplomatic experience, the work of this session will be crowned with success. You may be assured of the full cooperation of the delegation of the Kingdom of Cambodia.

It is an honour and a privilege for me to address the Assembly and make our contribution to consideration of agenda item 21, pursuant to resolution 46/10 of 22 October 1991.

It is well known that Cambodia is a country with a great many archaeological monuments and treasures and more than 1,000 sites whose magnificent stone and brick edifices rival each other in beauty. I should like to avail myself of this solemn occasion to alert all the friendly States Members of the United Nations, far and near, and all the international organizations concerned of the great harm done to, and the danger of destruction of, art objects of the Khmer culture - a situation which each day grows more serious. Despite the difficult circumstances Cambodia has passed through, the protection of those art objects has continually been one of the major concerns of the international community and of the relevant international organizations. I should not like to miss this opportunity to express, on behalf of the Royal Government of Cambodia and all the Cambodian people, our deepest gratitude for the timely and generous assistance of the United Nations Educational, Scientific and Cultural Organization (UNESCO), and Japan, India, France, Poland and Hungary in helping to maintain, preserve and protect Cambodia's cultural heritage.

The sad events of more than 20 years have not only destroyed Cambodia's economic and human resources but have also considerably impoverished its cultural resources. Most of the monuments which are part of the archaeological site of Angkor, the seventh wonder of the world, spread over more than 200 square kilometres, were subjected to plundering, theft, vandalism and clandestine archaeological digs, all of which were facilitated by war and the unsafe conditions in the region. Hundreds of extremely valuable statues disappeared, and these stolen art objects have recently appeared on the international art market. This considerable loss gravely harms the cultural patrimony as a whole - the patrimony not only of Cambodia but of all mankind. The Angkor site has, since December 1992, been listed as part of the world's cultural patrimony. As a signatory to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property (Paris 1970) - the so-called 1970 Convention - the Kingdom of Cambodia continually takes necessary and urgent measures in close cooperation with UNESCO and the international community to ensure better protection against plundering. In this context, the Royal Government of Cambodia will soon submit to our National Assembly a draft law on managing the national site of Angkor. Article 1 of the law reads as follows:

> "The Angkor site, a part of the world's patrimony, is built on Khmer national territory. The improvement of this site is declared to be a national priority."

In the same spirit, UNESCO organized two very important workshops, in February 1992 at Jomtien, Thailand and in July 1993 at Phnom Penh, Cambodia, with the participation of 15 Asian countries, experts from UNESCO, INTERPOL, the International Council of Museums, police and customs officials, and representatives of the *Ecole Française de l'Extrême Orient*, to exchange information and opinions on the measures to be taken against theft, clandestine archaeological digs and the trafficking of cultural objects, with a view to training Cambodian specialists in various techniques such as the preparation of inventories of cultural objects, police investigations, customs searches, organization of guard services, electronic security measures in museums and at the sites, and legislative measures.

I take this opportunity to appeal to the international community, pursuant to article 7 of the 1970 Convention, for its full cooperation against the illicit trafficking of Khmer art objects. In this spirit, I have the honour to recall the following proposals made by His Royal Highness Sdech Krom Loung Norodom Ranariddh, First Prime Minister of the Government of the Kingdom of Cambodia, to the General Assembly on 4 October 1993:

> "In order to recover these valuable cultural properties, we appeal to all countries which export such goods and through which they are transported ... to adopt the following steps to help us. First, they should prevent national museums and similar institutions from acquiring any antiquities which are native to the Kingdom of Cambodia. Secondly, they should ban the import of these cultural properties as soon as they are legally listed in the inventories of Khmer national patrimony, if they are not legally licensed by the competent Cambodian authorities for export purposes. Thirdly, they should take all necessary steps to ensure that antique dealers and merchants of cultural resources assist the Royal Government of Cambodia in recovering and repatriating those cultural treasures illegally exported from the Kingdom of Cambodia." *(Official Records of the General Assembly, Forty-eighth Session, Plenary Meetings, 15th meeting, p. 8.)*

My delegation agrees with the report of the Director-General of UNESCO on the action to be carried out by that organization for the return and restitution of art objects to their countries of origin, and totally endorses the recommendations in draft resolution A/48/L.15, submitted to the General Assembly for adoption. We once again affirm the determination of the Government of the Kingdom of Cambodia to combat these wrongs in close cooperation with the international community. We are firmly convinced that the measures mentioned in the draft resolution and the aforementioned Convention will be applied by all countries and will encourage all countries which import art objects, or through which such objects pass, and which have not yet ratified the 1970 Convention to do so.

Mr. DROBNJAK (Croatia): The Republic of Croatia is speaking in this discussion by the General Assembly of agenda item 21, "Return or restitution of cultural property to the countries of origin" for the following reasons:

The cultural property of my country was pillaged during the period of the aggression by the Federal Republic of Yugoslavia (Serbia and Montenegro) against the Republic of Croatia. Even today, Croatian cities and cultural monuments are daily subjected to indiscriminatory attacks originating from the occupied territories. Parts of Croatia's cultural heritage have been taken outside the country's boundaries and are still unlawfully kept in Serbia and Montenegro or are under the control of Serbian authorities in third countries.

The most serious example of this followed the utter destruction of Vukovar, a Croatian city bordering Serbia. After its valiant defenders had been overwhelmed by four months of siege, constant bombardment and armoured

attacks and many of them had been summarily executed by the Yugoslav People's Army - an event at present under investigation by the United Nations Protection Force (UNPROFOR) and the commission of experts that is investigating war crimes in the former Yugoslavia - the occupying forces entered underground vaults to collect and steal priceless works of art belonging to the City Museum of Vukovar and several private collections. All those treasures were taken outside the Croatian borders, to Beograd, Novi Sad and Subotica in Serbia. Furthermore, Belgrade authorities shamelessly attempted to show part of those treasures at an exhibition in Paris in May 1992.

The ownership of the stolen pieces of art is beyond dispute: even the Government of the Federal Republic of Yugoslavia admitted at the time that the items "belong to the family Paunovic, Dr. Antun Bauer, the Vukovar City Museum and the Vukovar Gallery of the Art Treasure". It is clear that the property was taken out of the country without the consent of its owners or the relevant authorities of the Republic of Croatia, after the occupation of Vukovar. Compounding their shameless behaviour, the Belgrade authorities then requested the Committee of the Security Council established pursuant to resolution 724 (1991) concerning Yugoslavia to allow repatriation of those treasures to Belgrade.

The Government of the Republic of Croatia stated at the time that the repatriation requested by the Government of the Federal Republic of Yugoslavia should be denied. Furthermore, the Republic of Croatia asked that the party found in illegal possession of the treasures in question be instructed to submit them to the impartial custody of a United Nations official designated by the Committee, at which time the Government of the Republic of Croatia would file a request for repatriation to the real country of origin and to its legitimate owners. Unfortunately, the Committee found itself incompetent and declined to issue such an order. However, we believe that the stolen treasures are still in Paris.

I should like to point out that the former Yugoslavia was, and the Republic of Croatia is, a party to the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict and to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. On 29 November 1991 Croatia logged the first in a series of communications to the United Nations Educational, Scientific and Cultural Organization (UNESCO) concerning the pillage of treasures from Vukovar. My Government asks that the Belgrade authorities finally comply with their international obligations under those Conventions, and that all the stolen property be returned to the Republic of Croatia without delay.

The city of Vukovar is not the only pillaged location in the Republic of Croatia. There are many others such as Drnis and Ilok. The destiny of 16 museums and numerous private and ecclesiastical collections holding more than 200,000 items, which remain cut off in the occupied territory of Croatia, remains largely unknown. It has been determined with certainty that six of the museums were completely pillaged by the occupying forces and their possessions taken away to an unknown location.

The Serbian aggression has devastated large parts of my country. The ancient cities of Dubrovnik, Zadar and Sibenik were heavily shelled and many priceless pieces of art have been lost to future generations. However, my Government takes note with appreciation of the report of the Director-General of UNESCO (A/48/466), hopeful of the definitive return of all the stolen treasures and the possible reconstruction of those damaged or destroyed by Serbian vandalism.

I should like to take this opportunity to express our deepest gratitude to UNESCO for the effort in reconstruction of Dubrovnik and other devastated sites on Croatian territory.

Mr. BAYART (Mongolia): The Mongolian delegation has studied with a great deal of attention and interest the report of the Secretary-General (A/48/466) on item 21, "Return or restitution of cultural property to the countries of origin".

We are gratified at the work done and the progress made since the seventh session of the Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation, held at Athens in April 1991.

As can be seen from the report, various activities have taken place with a view to promoting bilateral negotiations and regional cooperation, especially on the reduction of illicit traffic in cultural property, to preparing inventories of movable cultural property, and to disseminating information to the public.

In spite of the work accomplished thus far, one can hardly overestimate the dimensions and complexities of the problems and the tasks at hand. There is no doubt that the issue calls for close international attention and the elaboration of sound strategies to deal with the different aspects of it. It is in this light that my delegation sees the importance of a periodic review of the question in the General Assembly.

My delegation highly commends the work being done by the United Nations Educational, Scientific and Cultural

Organization (UNESCO) and expresses the hope that its activities in this important domain will be further expanded.

The question of protecting cultural property and ensuring its return or restitution to the countries of origin has gained increased prominence of late. It is especially true in the case of those countries which, having done away with ideological impediments, are making strenuous efforts to revive national identity and restore cultural heritage. It is equally true with respect to regions and countries riddled with wars and ethnic conflicts.

Mongolia, a nation with a centuries-old history and a great historical and cultural heritage, is today undergoing a dramatic process of spiritual renewal.

Efforts are being made to restore the cultural and religious relics destroyed during recent years as a result of given political and historical circumstances. In addition, Mongolia desires to cooperate with other countries and international organizations in locating and returning the many invaluable cultural artefacts taken away from our country.

Mongolia has recently become a party to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. In February 1992 Mongolia participated in a regional workshop at Jomtien, Thailand, on the means of combating illicit traffic in cultural property.

My delegation wishes to commend the initiation of a national workshop on measures against illicit traffic in cultural property at Phnom Penh, Cambodia. We believe that similar national workshops could be organized in other interested countries. Mongolia is willing to cooperate with UNESCO in this regard.

The Mongolian delegation strongly supports the content of draft resolution A/48/L.15 and is pleased to co-sponsor it. We hope that the draft resolution will command the widest possible support of the Assembly.

Mrs. ESCHENKO (Ukraine) *(interpretation from Russian)*: The fact that the problem of the return or restitution of cultural property to the countries of origin is being systematically considered at the United Nations is evidence of the importance of the issue for international relations. A large number of international documents confirm the right of States that have been deprived of their cultural property as a result of colonial or foreign occupation or crime to have them returned. Members of the international community are urged to take the necessary steps to create favourable conditions for the realization of such a right.

On its centuries-long path to independence Ukraine suffered tremendous losses of its national relics and historic and cultural property. My country has ratified international conventions on the return of cultural property and supports the relevant resolutions of the United Nations General Assembly.

In this respect it might be appropriate to refer to the law of Ukraine entitled "Implementation of International Agreements on the Territory of Ukraine", of 10 December 1991. Under that law, international agreements concluded and properly ratified by Ukraine constitute an integral part of the national legislation of Ukraine and are implemented according to the procedures provided for under national legislation.

Ukraine has thereby demonstrated its readiness for closer cooperation in the preservation of cultural heritage, and, for its part, hopes for the effective support of the international community.

An agreement adopted at the initiative of Ukraine at the meeting of Heads of States participants of the Commonwealth of Independent States in Minsk on 14 February 1992, has as its aim the solving of the problems involved in this issue. This agreement, in the spirit of United Nations General Assembly resolutions, could serve as a legal basis and machinery for returning cultural and historic property to the countries of origin - a matter which has become an urgent issue since the disintegration of the Soviet Union. We regret that the agreement was rejected by the former parliament of the Russian Federation and we hope that a new Russian parliament will have a better understanding of the problem.

In order further to enhance the Minsk agreement Ukraine has endorsed the initiative of the Republic of Belarus to establish an inter-State commission on ownership rights over cultural property collected in museums, libraries and archives as well as in storage in the former Soviet Union.

We deem it important to cooperate on this issue with the countries of Eastern and Central Europe. To that end Ukraine's representatives participated in the seminar on the prevention of illicit traffic in cultural property that was held by the United Nations Educational, Scientific and Cultural Organization (UNESCO) at Budapest last March.

The future of cultural property in the aftermath of the collapse of empires and great Powers and the establishment of independent States is an important problem that

demands closer attention by the international community. Consideration of the question and elaboration of up-to-date recommendations could add impetus to the solution of problems, including those faced by participants from the Commonwealth of Independent States.

Ukraine is most interested in the implementation of international agreements on the return of cultural property expropriated during the Second World War. We do realize, however, that the underlying factor in practical work to return cultural property is bilateral cooperation. Therefore, provisions on the return of property are included in a large number of Ukraine's agreements on cultural cooperation with different countries. We have already found positive solutions to the problem of the return of the national property of other States which has happened, by a stroke of fate, to be located on Ukrainian territory.

Joint work has already begun with Belarus, Moldova, Hungary, Great Britain and Germany. We value highly cooperation with Poland, on whose territory there is a great deal of the cultural property of the Ukrainian people, including our unique national relics.

Contact with the German side in this area has special significance for Ukraine. As is well known, the Nazis inflicted terrible damage on Ukraine during the Second World War. Its losses in art objects alone totalled more than 300,000 items.

I should also like to touch upon our relations with Russia in this field. That country still has in its possession unique documents and relics relating to the very core of Ukraine's history and statehood - in particular the archives of the Zaporizhia Cossack Sich, which was liquidated by the Tsarist Government in 1775. The archives of the Ukrainian People's Republic experienced the same sad fate following the occupation of Kiev by Bolshevik troops in 1918.

This year, for the first time in 60 years, we commemorated the tragic anniversary of the Great Famine of 1932-1933 in Ukraine. Thanks to the work of Ukrainian researchers in the Diaspora and of American historians, we know today that it was actually genocide committed by the Stalin regime against its own people. The artificially induced famine in Ukraine cost the lives of more than 8 million people. Those horrifying figures need further clarification, but archives relating to this dark page in our history are also in Moscow, which makes it difficult for Ukrainian researchers to investigate the question.

These are but a few examples - the list of historical documents alone is far from exhaustive - and there are also many cultural relics that were removed from Ukraine at different periods of time. Some art collections, such as that of Khanenko, a well-known Ukrainian patron of the arts, were transferred to Moscow as temporary exhibits. It is, however, well known that nothing lasts longer than the temporary. We venture to hope that bilateral consultations on the issue will be held in the near future and that they will benefit both peoples and States.

The fate of cultural property detected by customs services during attempts to smuggle it out of the country is a separate issue. To coordinate such work a National Commission on the Return of Cultural Property has been created under the Cabinet of Ministers of Ukraine. At present nearly 43,000 objects have been registered that were at various times illegally shipped out of Ukraine. Their precise or supposed location has been identified. A comprehensive catalogue of lost cultural property, with descriptions and photographs of more than 4,000 items, is being compiled by the Commission.

An automatic information system called "Lost Property" is being created in Ukraine, and work on an annual scientific and informational publication, *Heritage*, has begun. Draft laws concerning the national cultural heritage, the procedures for the export of cultural property from Ukraine and the conditions of its transit are being submitted for consideration by the Verkhovna Rada of Ukraine. In this connection close links with the International Criminal Police Organization (INTERPOL) and the Art Loss Register, London, would be most helpful to us.

Ukraine is placing its hopes on the world community's understanding of this problem and on the support of those who care about the future of spiritual treasure. For every nation, the return of its cultural property to its native soil means the return of its national dignity.

The delegation of Ukraine approves the report of the Secretary-General on this agenda item (A/48/466) and endorses the proposed draft resolution A/48/L.15, which will contribute to the solution of this important international problem and thus strengthen mutual understanding among States.

Mr. EXARCHOS (Greece): When I addressed the Assembly two years ago on this very important item I pointed out that the question of protecting the cultural property of all nations is more relevant now than in the past and that respect for each nation's unique character, most prominently expressed by its cultural heritage, would undoubtedly benefit the strengthening of international cooperation.

Since then, the goals set by the resolutions adopted by the General Assembly may not yet have been reached, but the matter is at least being given serious consideration by the Intergovernmental Committee for Promoting the Return of Cultural Property to Its Countries of Origin, and we are glad to note that progress is being made. In this respect we also welcome the continuing accession of States to the Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, which has now been signed by 78 countries. We of course look forward to the accession of more States in the future.

The latest report of the Secretary-General (A/48/466) provides us with a useful account of the steps being taken to curb the illicit traffic in cultural property. We can but commend the Secretary-General and the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO) for their unrelenting interest in and efforts with regard to this important question. We should also like to express our appreciation for the efforts undertaken by a series of international organizations, namely, the International Criminal Police Organization (INTERPOL), the International Council of Museums (ICOM), the United States Information Agency (USIA) and the Customs Cooperation Council.

We also wish to reaffirm the importance we attach to bilateral cooperation in the attempt to seek and find the solutions required. This is also an area where we are aiming at further improvements in relations between countries.

As we had an opportunity to state in an earlier discussion on this matter, we believe that a proper procedure should be worked out to take into account the principle of retroactivity in the restitution of illicitly transferred cultural property. Is this principle not the essence of the item we are examining, along with the prevention of future illicit transfers of works of art, which constitute the cultural heritage of the peoples who created them?

In this connection, I should like to reiterate our strong and continuing interest in the elaboration of a convention on stolen or illegally exported cultural objects. As a matter of fact, Greece has actively participated in all the meetings of the Committee of Experts established by the International Institute for the Unification of Private Law (UNIDROIT) for this purpose. The adoption of a convention could constitute a significant step forward in respect of this very important and thorny issue.

In this connection, may I refer to the useful work being done by the Intergovernmental Committee of UNESCO - especially its first recommendation, with regard to the restitution of the marbles of the Parthenon. The Committee

> "recommends that the Secretariat, with the advice and assistance of the International Council of Museums, seek the opinion of a panel of independent experts of international repute which will, after studying conditions in their present location and those specified in the plans of the new Acropolis Museum, advise the Committee as to the place where the Parthenon Marbles could best be situated".

We are glad to report that work on the plans for the construction of the new Acropolis Museum has been going forward.

On the other hand, it is with concern that we note the theft of 64 archaeological objects of priceless value from the museum on the island of Aegina, near Athens. This is mentioned in the report of the Secretary-General. Fortunately, a significant number of bronze Early Mycenaean objects were later found by the Greek police authorities.

Equally disturbing is the fact that 20 very valuable marble and clay figurines and craters of the Early Cycladic period are missing from the Archaeological Museum of the island of Paros. There can be little doubt about their illicit removal from Greece. I should like to mention also a segment of a mosaic floor from the Museum of Sparta, depicting a head of the Medusa, which was recently located in a New York private art gallery.

We also note that in the occupied part of the Republic of Cyprus, where most of the archeological and religious monuments of the island lie, there has been large-scale looting by the occupying foreign troops. Apart from the removal of unique mosaics from the church of Panagia Kanakaria, to which we referred two years ago, there are the cases of illicit removals from the Antiphonitis Monastery and the Chapel of Agios Themonianos and of illegal exports and sales by smugglers to collectors abroad.

Finally, equally disturbing is the fact that new, and similar, cases of the theft and illegal export of cultural objects are reported in so many countries around the world.

Against this pessimistic background, I should like to draw attention to the fact that the Secretary-General's report does make reference to cases of the restitution of stolen articles. This is an encouraging note. Pieces of pottery were returned to the Museum of Ancient Corinth in Greece; the first Panamanian flag is back at the Museo de Historia in Panama; and stolen paintings were found as

a result of action by West Berlin's repression-of-crime unit.

However, new cases of the theft and illicit transfer of cultural property demonstrate clearly the pressing need for increasingly tough measures from the specialized international organizations.

May we soon see an end to this sad practice.

Mrs. JAGAN (Guyana): The draft resolution (A/48/L.15) that is before us today, which deals with the return or restitution of cultural property to the countries of origin, is of great importance to a large number of countries, which, through the ages, have been deprived of cultural property created and/or owned by earlier civilizations. Such property, in the main, forms the cultural heritage of nations, as well as the basis of a nation's history.

The pride and glory of countries in all parts of the globe is derived, to a great extent, from what their artists, architects, artisans and workers produced in different periods of history. To many countries, there is a great sense of loss, as well as of humiliation, in the thought that irreplaceable objects of their cultural heritage are to be found in museums, and even in private collections, in other countries.

The importance of these objects of art and of the culture of some of the world's great civilizations is beyond estimation. The removal of the cultural property of these countries indicates the lack of a thorough understanding and appreciation of their own cultural heritage and denies their scholars and historians the right to a careful examination and analysis of their past.

It is to the credit of the United Nations Educational, Scientific and Cultural Organization (UNESCO) that this subject has been dealt with and put in its proper perspective and has been given priority. So frequently, in the materialistic world in which we live, insufficient attention has been paid to history and culture and to man's need to take pride in the knowledge of a rich culture as part of his heritage.

The concern evinced by UNESCO about this matter has helped to guide many countries with regard to the provision of legislation and inventories; methods of recovering treasures of earlier civilizations; and the creation of the climate for the return of such historical objects.

Also, with the improvement of scientific methods of recovering cultural property from seabeds and from excavations carried out with highly technical equipment, there are now greater possibilities for plundering cultural property. Thus, proposals in the text of the draft resolution constitute ways and means of dealing with these new challenges.

What we are dealing with is a moral issue too. Thus, we must take into account the responsibilities of countries in possession of the cultural property of - and this is generally the case - smaller and poorer nations.

These monuments, objects of art, pieces of great importance belonging to buildings and historical sites that have lost whole sections - including manuscripts and other cultural treasures - are important to the study of a nation's history. In this hemisphere, the magnificent indigenous cultures have been plundered since the arrival of Columbus. These are especially important to the young people of the countries concerned - the generations to come, who need reassurance of their worth and a more complete understanding of what their ancestors created. Such cultural property is an inspiration and an incentive to young people to achieve the greatness of their ancestors, a better understanding of their rich history, and a pride in being that derives from cultural values.

The UNESCO appeal, the purpose of which is to encourage the mass media, along with educational and cultural bodies, to foster greater awareness with regard to the return of cultural property to the country of origin, deserves serious consideration, as do appeals for bilateral agreements for the restitution of historical treasures.

The injustices of the past can be corrected today, when, one hopes, the conscience of nations is maturing. There is a great need to restore the self-esteem, conscience, pride and dignity of the nations that have provided the basis for the great advances we have witnessed in this century. UNESCO deserves greater support and needs greater clout if it is to repair the damage of the past. Draft resolution A/48/L.15 must be more than a piece of paper tucked away in a file - we must strive to give it life and meaning.

Mr. ORDZHONIKIDZE (Russian Federation) *(interpretation from Russian)*: The return or restitution of cultural property to its countries of origin is an extremely important issue which, while no doubt important in and of itself, should in our view be considered in broader terms, in the context of the overall problem of the preservation of cultural heritage. Solving this problem is important for the world community as a whole and for the various regions and subregions, and of course for every State and people The significance of the problem should be matched by measures to be taken at the universal, regional, bilateral

and national levels, in order to settle such overall issues as the preservation of cultural heritage and specific issues of the restitution of cultural property to its countries of origin.

The item we are discussing is extremely topical for Russia. It comprises a number of historical and basically disparate elements which make it necessary to combine varied approaches to its solution.

A particular situation which goes back a very long way is one that grew out of the Second World War. A significant amount of the cultural property that ended up outside our country at the end of that war has not yet been returned; nor have all aspects of restitution to the appropriate States of property that ended up in our country after the war been solved. Fundamental for us here are the principles formulated in the 1954 Convention for the Protection of Cultural Property in the Event of Armed Conflict, concluded in The Hague, and the Protocol to the Convention.

A new situation arose with the need to preserve the cultural heritage after the Union of Soviet Socialist Republics ceased to exist, when on the territory of a single, multinational State there was a great deal of cultural property that belonged to various newly arisen States. Here we must observe that with the formation of new States on the territory of a State that had existed for a long time it was very difficult to determine which State should be regarded as the country of origin of cultural property, and consequently to whom the property should be restored.

During the establishment of the Commonwealth of Independent States, and the formation of customs, border and other law- enforcement machinery of the Russian Federation, there was large-scale illegal export of cultural property from our country. For the first half of 1992 alone, officially registered crimes pertaining to cultural property numbered 2,211, and this figure has virtually doubled over the past year. According to the data available to us, outside Russia there are active smuggling organizations trafficking in the export from our country of items of antiquity and art objects. Now we are taking the appropriate steps at the national level as part of international cooperation in order to correct the situation.

Pursuant to the recommendations of the General Assembly at its forty-second and forty-sixth sessions, the Russian Federation has adopted a number of legislative acts to protect our cultural heritage. First and foremost we have in mind the basic premises for legislation on culture. They include the definition of such concepts as cultural property and the cultural heritage of the peoples of the Russian Federation, and they also point out that Russia is carrying out a purposeful policy to return cultural property that was illegally exported from its territory. As a development of this law, the President of Russia has approved a provision on the basic sites of cultural heritage for the peoples of the Russian Federation, and a State inventory has been established for these sites for the peoples of Russia. Along with this, pursuant to the President's decree on steps to preserve cultural property and to prevent its illegal export from the Russian Federation, a federal service to preserve cultural property has been established. This service, along with other functions, documents the export of cultural property and registers cultural property that comes into Russia.

In 1992 the Government of the Russian Federation formed the State Commission to Register Cultural Property, headed by the Ministry of Culture. The Commission was instructed to prepare materials on claims for Russian cultural property outside of Russia, as well as to consider the claims of foreign States with regard to cultural property that might be found on Russian territory. In this connection, the Commission is authorized to carry out consultations and negotiations on restitution.

As the successor State to the Union of Soviet Socialist Republics, Russia adheres to the major international legislation in this field: the Convention for the Protection of Cultural Property in the Event of Armed Conflict and the Protocol to the Convention, the Paris Convention concerning the Protection of the World Cultural and Natural Heritage, concluded in 1972, and the Paris Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, concluded in 1970. These broadly recognized multilateral Conventions are a good basis for developing bilateral cooperation. We hope that all States will adhere to them. We agree with the conclusion in the report of the Director-General of the United Nations Educational, Scientific and Cultural Organization (UNESCO), submitted in 1992 to the Executive Board, to the effect that we should focus efforts not on a revision of the 1970 Convention, but on enhancing its effectiveness.

We are open to all kinds of cooperation in restoring cultural property. Russia is a member of UNESCO's Intergovernmental Committee for Promoting the Return of Cultural Property to its Countries of Origin or its Restitution in Case of Illicit Appropriation. In March this year the Russian delegation took part in a regional seminar in Hungary on this issue of trafficking in cultural property.

By the same token, as we see it, the bilateral format for cooperation is the most effective, since it allows us to take into account fully the specifics of every situation. In particular, we find useful bilateral consultations with a view to exchanging experience for the effective campaign

against illegal transactions in cultural art objects. An agreement on consultations, for example, has already been concluded with Italy.

We welcome the contribution made by the General Assembly to solving this problem, as well as the great deal of work that has been done in this sphere by UNESCO, in particular through the Intergovernmental Committee. This is a good back-up for, and stimulus to, the efforts under way by States at the national, bilateral and regional levels.

The PRESIDENT: The Assembly will now take a decision on draft resolution A/48/L.15.

I call on the representative of Zaire, who will announce the names of additional sponsors of the draft resolution.

Mr. LUKABU KHABOUJI N'ZAJI (Zaire) *(interpretation from French)*: I should like to inform the Assembly that, in addition to the countries listed as sponsors of draft resolution A/48/L.15 - Côte d'Ivoire, Cyprus, Ghana, Greece, Mali, Mexico, Morocco, Niger, Rwanda and Zaire - the following countries have decided to become sponsors: Bolivia, Cameroon, Costa Rica, Egypt, El Salvador, Guatemala, Mongolia, Nepal, Nicaragua, Peru and Ukraine.

I should also like to bring to the Assembly's attention an error appearing in the English version of operative paragraph 14 of draft resolution A/48/L.15. The words "forty-eighth session" should be replaced by the words "fiftieth session".

The delegation of Zaire wishes to thank all those who have supported this draft resolution as well as those who have given it their tacit approval.

The PRESIDENT: I now put to vote draft resolution A/48/L.15. A recorded vote has been requested.

A recorded vote was taken.

In favour: Afghanistan, Algeria, Angola, Argentina, Australia, Bahamas, Bahrain, Barbados, Belarus, Benin, Bhutan, Bolivia, Bosnia and Herzegovina, Botswana, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Canada, Cape Verde, Central African Republic, Chad, Chile, China, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Ecuador, Egypt, Ethiopia, Finland, Ghana, Greece, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Kenya, Kuwait, Lao People's Democratic Republic, Lebanon, Lesotho, Libyan Arab Jamahiriya, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, New Zealand, Nicaragua, Niger, Norway, Oman, Pakistan, Panama, Papua New Guinea, Peru, Philippines, Qatar, Republic of Korea, Rwanda, Samoa, Saudi Arabia, Seychelles, Sierra Leone, Singapore, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Thailand, The Former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Arab Emirates, United Republic of Tanzania, Venezuela, Yemen, Zaire, Zambia, Zimbabwe.

Against: None.

Abstention: Albania, Austria, Belgium, Bulgaria, Czech Republic, Denmark, France, Germany, Hungary, Ireland, Israel, Italy, Japan, Liechtenstein, Luxembourg, Netherlands, Poland, Portugal, Romania, Russian Federation, Slovakia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

***Draft resolution A/48/L.15 was adopted by 106 votes to none, with 25 abstentions* (resolution 48/15).**

The PRESIDENT: I call on the representative of the United Kingdom, who wishes to speak in explanation of vote.

May I remind representatives that explanations of vote are limited to 10 minutes and should be made by delegations from their seats.

Mr. RICHARDSON (United Kingdom): My delegation abstained in the vote on the draft resolution which the Assembly has just adopted.

We are sympathetic to the aspirations of those countries that wish to develop and improve their collections of cultural property, but we cannot accept the principle that cultural property which has been freely and legitimately acquired should be returned to the country of origin. We are always willing to discuss specific cultural property questions bilaterally with other Governments.

My delegation strongly condemns illicit traffic in cultural property and we can support much of the draft resolution which the Assembly has just adopted. But there are no grounds in law on which the British Government can order the return of items which were legitimately acquired by British museums.

Other elements of the resolution also present us with some difficulties. Operative paragraph 2 runs counter to our belief that the great international collections of works

of art constitute a unique resource for the benefit of both the public and the international academic community.

Support for operative paragraphs 5 and 6 would imply that my delegation favoured the establishment of a systematic inventory of cultural property in the United Kingdom. As we have explained in previous debates on this subject, this would pose great practical difficulties.

Operative paragraphs 10, 11, 12 and 13 refer to the 1970 Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property. Ratification of this Convention would present considerable problems for the United Kingdom. But, as the Assembly will know, many of the underlying requirements of the Convention are already part of our approach to this problem. The British Museum and Art Trade interests have subscribed to two voluntary codes of practice, in 1977 and 1984, on the handling of items of dubious provenance, which uphold the spirit of the 1970 Convention. We take these codes seriously and investigate any reports of their contravention. In addition, the Metropolitan Police Art and Antiques Squad maintains close links with INTERPOL.

The United Kingdom views draft convention of the International Institute for the Unification of Private Law (UNIDROIT) on the restitution of stolen or illegally exported cultural property as an innovative attempt to address the problems raised by the Convention of the United Nations Educational, Scientific and Cultural Organization (UNESCO). The United Kingdom participated in the four meetings of national Government experts held in Rome to consider the Convention and awaits the revised draft of the Convention following the conclusions of the latest meeting, in October.

In conclusion, I should refer briefly to the remarks made by the Permanent Representative of Greece about the works of art known as the Elgin Marbles. It is the view of Her Majesty's Government that the portions of the Parthenon known as the Elgin Marbles were legally obtained and that they should remain in the British Museum, whose Trustees consider it in the general interest to maintain the integrity of the Museum's collections for the benefit of international scholarship and the enjoyment of the general public.

The PRESIDENT: May I take it that it is the wish of the Assembly to conclude its consideration of agenda item 21?

It was so decided.

AGENDA ITEM 170

THE SITUATION IN BURUNDI (A/48/L.16)

The PRESIDENT: I should like to remind members that a draft resolution similar to that in document A/48/L.16 appeared in document A/48/240.

I now call on the representative of Burundi to introduce draft resolution A/48/L.16.

Mr. SINUNGURUNZA (Burundi) *(interpretation from French)*: Mr. President, I thank you for the opportunity you have given me to speak.

At the outset, I should like to thank the General Assembly, which has just adopted the report by its Bureau on including an additional agenda item entitled "The situation in Burundi" in the agenda of its forty-eighth session.

On 21 October 1993, as I have already had occasion to say here, an attempted *coup d'état* was staged by a group of military people and has plunged Burundi into a serious constitutional crisis. On the heels of the putsch, the President of the Republic, who had been democratically elected on 1 June this year, was assassinated. The perpetrators of the putsch also killed the President and Vice-President of the National Assembly, and a number of other eminent figures who were members of the Government or the administration.

When they learned the bad news, the people rose up and at the same time the old ethnic fault lines became active. Today, violence has ravaged the villages of Burundi, and people have sought sordid and unsafe shelter in the centre of the country while many others have fled to our neighbouring countries, Rwanda, Zaire and Tanzania. The situation is so bad that, if nothing is done now, a civil war is likely to spread throughout the country, with incalculable consequences for international peace and security.

To avoid this disaster, the constitutional order must be restored and the legitimate Government must be able to take things in hand. The Government of Burundi therefore desires the support of the international community in condemning the *coup d'état* and in restoring democracy and the constitutional regime.

To achieve this, it would be desirable for an international force to be established in Burundi with the mission of protecting the democratic institutions and restoring a climate of confidence amongst the population. It would also be desirable for the international community

to provide emergency humanitarian aid to Burundi, for our people who are suffering within our borders and also outside.

In submitting the draft resolution, the delegation of Burundi is hoping for support from the General Assembly and for the draft resolution to be adopted.

The situation in Burundi is of the greatest concern to the whole international community. We have already had occasion to say so here, and have indeed said so in other groups too; accordingly, we believe that we already enjoy the necessary support from the Assembly, for which I thank you.

Mr. LAMAMRA (Algeria) *(interpretation from French)*: President Ndadaye, God rest his soul, on 4 October just past declared from this very rostrum that he wanted, just shortly after the victory of democracy in his country, to convey a message from his people to the international community, a message of peace, friendship, fraternity and solidarity.

In paying to him a ringing and moving tribute last Friday, and in mobilizing in communion and solidarity with the people of Burundi and their Government, the international community has indeed proved that it believes in President Ndadaye's message, so that the sacrifice this statesman, now gone from us, has made can implant and nurture the noble values he articulated here; his people and Government will ensure that those values prevail.

The unanimous international condemnation of the *coup d'état* and the assassinations of Burundi's Head of State and a number of the country's leaders, along with the spontaneous convergence of the various types of action taken internationally are all legitimate grounds for satisfaction for us all inasmuch as they bear witness to the international community's capacity to react swiftly and effectively when the ideals we share are threatened or flouted.

The simultaneous visits to Bujumbura by Mr. Salim Ahmed Salim, Secretary-General of the Organization of African Unity (OAU) and by Mr. James Jonah, the representative of the United Nations Secretary-General, are a reassuring demonstration of this. Surely what we have here is an example of the convergence and complementarity of the actions taken by the world Organization and the Africa-wide organization, both of which are striving to strengthen the measures taken or planned by the Government of Burundi with a view to setting the situation, in political and security as well as in humanitarian and socio-economic terms, rapidly to rights.

As Algeria has the chairmanship of the African Group this month, I feel duty-bound to refer here, with justifiable pride, to the position adopted and the action taken by the executive organs of the OAU: I refer here to the action of the acting President of the OAU, President Hosni Mubarak of Egypt, in taking the matter to the Security Council, and to the efforts of the OAU Secretary-General, Mr. Salim Ahmed Salim.

Similarly, the central organ of the OAU's conflict prevention, management and settlement machinery - which was just recently established, at the Cairo summit meeting held last June - immediately, on 22 October, began to consider the situation in Burundi and took a firm position by deploring the *coup d'état* and demanding the restoration of democracy and the rule of law in Burundi.

The OAU Secretary-General's visit to Burundi was made with this point in mind, and expresses our pan-African organization's firm determination to exert a positive influence on the outcome of this tragic situation and in easing the trials to which the people of our brother country, Burundi, are now being put.

In building on these African initiatives and actions, the Group of African States within the United Nations has naturally rallied in support of the initiative taken by the Permanent Representative of Burundi in submitting the item entitled "The situation in Burundi" to the General Assembly for inclusion in the agenda, and in submitting a draft resolution whose unanimous adoption will, we are certain, deliver a message of hope to the people of Burundi and of support for their Government.

The actual content of the draft resolution requires no detailed comment; its provisions, objectives and premises are obvious at a glance, and have all already received the broadest international support. It is now up to the General Assembly to place the seal of its moral and political authority on the universal condemnation of the *coup d'état* of 21 October, to demand the immediate restoration of the constitutional regime in Burundi, to mobilize humanitarian aid from the international community quickly and on a par with the actual needs and to support the efforts of the Government of Burundi, the Organization of African Unity, the Secretary-General of the United Nations and of the countries in the region to promote the restoration of the constitutional order.

In the spirit of the statement just made by the Permanent Representative of Burundi, and in support of his request, I recommend to the Assembly that it should adopt the draft resolution by consensus.

Mr. NOTERDAEME (Belgium) *(interpretation from French):* I have the honour of speaking on behalf of the European Community and its member States.

Barely five months ago, the people of Burundi, for the first time in their history, were able to express their will through free, pluralist and fair elections. The European Community and its member States welcomed with great satisfaction this exemplary process of democratization and expressed their solidarity with the authorities and the people of Burundi.

Less than a month ago, on 4 October, President Melchior Ndadaye, from this very rostrum, expressed his hopes that democratic elections, the establishment of a broad-based Government and a comprehensive amnesty would lead to the consolidation of peace and a strengthening of confidence among the various components of his nation and would speed up the economic and social development of his country.

This hope was brutally dashed by the attempted military *coup d'état* of 21 October last and by the assassination of President Ndadaye and of other political figures.

The European Community and its member States condemn this attempt most vigorously and reiterate their support for the elected Government of Burundi. We appeal to the entire nation to restore constitutional order and democracy and to respect human rights. It is absolutely necessary to put an end to the violence and to the massacres raging in Burundi.

The European Community is considering steps to be taken if constitutional order is not restored in Burundi. These measures would be in addition to those taken by some of its member States, which have suspended their bilateral cooperation with Burundi. The European Community and its member States pay tribute to the memory of President Ndadaye, who, through his democratic convictions, his forthrightness and his courage, incarnated the promise of a positive political development in Africa.

In the face of the tragic situation in Burundi, we note with satisfaction that the United Nations has reacted promptly. We thank the Secretary-General for following up on our request by appointing Under-Secretary-General Mr. Jonah as his Special Envoy for Burundi. We await with interest the report of the Secretary-General on the situation in Burundi as a follow-up to Mr. Jonah's mission.

The Security Council, for its part, met on an urgent basis at the request of Burundi, the Group of African States and the Organization of African Unity (OAU). In an official statement, the Council greatly deplored and condemned the events that took place in Burundi.

Finally, also at the request of Burundi, our Assembly is meeting today to show that the international community condemns loud and clear this attempted *coup d'état* and demands the restoration of legality in Burundi.

The European Community and its member States support the efforts of the OAU. We have taken note with interest of the visit to the region of the Secretary-General of that organization, Mr. Salim Ahmed Salim, accompanied by President Mubarak's Special Envoy. We hope that the OAU will be able quickly to take steps to gradually restore trust between the legal Government of Burundi and the armed forces of that country. Indeed, this trust is absolutely necessary for the return of the constitutional order and for an end to massacre and violence in Burundi. An initiative by the OAU would augur well for the prevention machinery and crisis management which are to be established pursuant to decisions taken at the Cairo Summit.

One of the most disturbing aspects of the Burundi crisis is the massive exodus of refugees. According to the information we have received, hundreds of thousands in Burundi have fled their country for Rwanda, Tanzania and Zaire. The European Community and its member States support the appeal for humanitarian assistance in the draft resolution before us (A/48/L.16). We, for our part, have already given initial emergency aid to those refugees.

The exodus of refugees illustrates the serious repercussions of the situation in Burundi on peace and stability in the region, and especially in Rwanda. This is why the European Community and its member States ask most urgently that the United Nations Assistance Mission for Rwanda be deployed as soon as possible so as to avoid any spillover effect in that country. In this connection, we note with satisfaction the arrival in Kigali of the reconnaissance mission under the leadership of General Dallaire.

It goes without saying that the European Community and its member States fully agree with the draft resolution before us which, we hope, will be adopted without a vote. May this clear-cut message from the international community be heard by the rebels, and may the attempted *coup d'état* be but a brief pause in Burundi's march towards democracy.

Mr. LADSOUS (France) *(interpretation from French):* France fully agrees with the statement which was just made by the Belgian President of the European Community. For its part, France would like in addition to emphasize several particular aspects.

France was greatly shocked to learn of the coup that took place in Burundi on 21 October. It was with the same shock that it learned that President Ndadaye had been assassinated, along with other Burundi political figures, by members of the military whose responsibility for such events is well established.

France firmly condemns these acts of violence as well as those that led to the massacre of many civilians. It demanded that the military immediately return to their barracks and that they free the prisoners who had been illegally detained since 21 October. It hopes that those responsible for these acts will be brought to justice after an inquiry.

Burundi, in recent months, had seen more than satisfactory developments. The elections that were held in June in that country were exemplary in all aspects. Indeed, the first elected President of Burundi himself, only a few weeks ago in the General Assembly, committed himself to foster the emerging pluralism in Burundi.

There can be no question of acquiescing in such coups. On several occasions since 21 October, the people of Burundi themselves, in spite of the risks involved, have shown their opposition to the rebels and their determination immediately to restore democracy and a constitutional regime to their country.

France welcomes the fact that the United Nations and the Organization of African Unity were able to react so quickly and give the legal Government of Burundi unconditional support. We also welcome the fact that the international community was able quickly to send on the spot initial emergency assistance for the hundreds of thousands of refugees who have had to flee the violence caused by the coup.

My delegation remains concerned at the situation created in the region by the events in Burundi. Indeed, these sad population movements threaten international security in the region, especially in Rwanda, where a fragile process of reconciliation has begun. France hopes that measures will be taken to hasten the deployment of the United Nations Assistance Mission for Rwanda in order to consolidate that process.

My country hopes too that the international community will intervene in Burundi with a view to national reconciliation. In that connection, we believe that the Secretary-General's dispatch of a special envoy to Burundi is a positive initiative. We consider also that the efforts of the Secretary-General of the Organization of African Unity and the States of the region will enable us to do useful work to that end. Finally, we hope that close cooperation will be established between the United Nations and the Organization of African Unity in order to achieve a solution as soon as possible to the present crisis in Burundi.

My country will therefore support the draft resolution before the Assembly.

Mr. BIZIMANA (Rwanda) *(interpretation from French):* At the outset, I wish on behalf of the Government and the people of Rwanda again to convey our heartfelt feelings of sympathy and solidarity to the brotherly people of Burundi in connection with the tragedy that has followed in the wake of the military *coup d'état* perpetrated in the night of 20 to 21 October 1993.

I cannot fail to thank you, Sir, and through you the General Assembly for having agreed to the urgent inclusion in the agenda of an item devoted to the alarming situation in Burundi.

When it learned on the morning of 21 October 1993 of the ignoble action aimed at overturning the institutions that had emerged from the free, democratic elections of June this year, the Government of Rwanda immediately and forcefully condemned this reactionary forcible seizure of power. We appealed to the international community to condemn unreservedly that act which has slowed the democratic process under way in Burundi and throughout Africa, and to take whatever steps were necessary to help the people of Burundi restore the democratic institutions that had been jeopardized by the coup.

The ordeal the people of Burundi is now experiencing and this negation of the primacy of law through this blatant violation of the very foundations of modern society constitute, in our view, a source of concern to all the nations gathered together here in the General Assembly. That concern is all the greater since this attempt to take power illegally, forcibly and anti-democratically in Burundi has been accompanied by a terrible toll in human life, yet uncounted, including the vile murder of His Excellency President Melchior Ndadaye and other political and judicial leaders and of many innocent civilians. Another intolerable result has been the displacement of thousands of persons within the country and of refugees into neighbouring countries.

Rwanda is a neighbour of Burundi and its people are closely linked to the people of Burundi by ties of blood. We are therefore particularly affected by the current situation there. We are absolutely convinced that supporting the efforts being made to restore peace in Burundi not only would be in the interests of that country but also would meet the concerns of our region, including my own country, which is harbouring over 350,000 refugees from Burundi, who have fled their country since 21 October 1993.

For Rwanda, instability in Burundi poses a threat to the peace process set in motion by the Arusha Peace Agreement signed on 4 October 1993 between the Government of Rwanda and the Rwandese Patriotic Front. Hence, we reiterate the firm commitment of the Government of Rwanda to the implementation of the Arusha Peace Agreement and to the democratic process under way in Rwanda; at the same time, in the face of this new situation, we stress the need to consolidate the machinery provided for in the Peace Agreement, in order to maximize the chances of success for the peace process in Rwanda.

If peace, harmony and stability are to be restored in Burundi, vigorous regional and international action must be taken. On the regional level, let me inform the Assembly of the results of the 28 October 1993 summit meeting held at Kigali at the invitation of the President of the Republic of Rwanda. Along with the Head of State of Rwanda, the other participants were the First Vice President and Prime Minister of the United Republic of Tanzania, the Prime Minister of the Republic of Zaire and the Prime Minister of Rwanda; also present were a special representative of the President of the Arab Republic of Egypt, current Chairman of the Organization of African Unity (OAU), and, as an observer, Mr. Salim Ahmed Salim, Secretary-General of the Organization of African Unity. At the summit, the representatives of those countries and the representative of the Organization of African Unity reiterated their condemnation of the military *coup d'état* against Burundi's democratic institutions as running absolutely counter to the development of democracy on the African continent. The summit reaffirmed the firm commitment of the countries participating and of the OAU to do everything possible to assist in the restoration of security and legality in Burundi. Specifically, the Kigali summit stressed the urgent need for the United Nations, in consultation with the Organization of African Unity, to set up an international force to restore confidence and security in Burundi. It appealed to the international community to take concrete measures to put an end to the massacre of innocent people in Burundi and to help the people of Burundi to put a final end to its recurring tragedies. It also appealed to the international community to provide urgent assistance to the hundreds of thousands of refugees in countries around Burundi and to displaced persons within the country.

Rwanda is therefore pleased today to hail the collective commitment demonstrated by the international community in the draft resolution before the Assembly today. That draft resolution, if adopted and effectively implemented, will manifest our common determination to help the people of Burundi restore peace and order. The international community must not leave the field open to the perpetrators of the coup, who are greedy for power. To stop the suffering and sacrifices endured by the people of Burundi, the United Nations must act, and act swiftly and effectively. Rapid action by the Organization would show that it is urgent to stop the blood-bath and put an immediate end to the confrontations and threats and intimidation to which the people of Burundi are subjected.

We must act effectively also to ensure that those who have usurped power in Burundi are thrown out of office and that the people of Burundi will be given the reliable and, above all, lasting guarantees provided by an army and new security structures established on a basis that would make all sectors of Burundi's society feel confident.

In that context, the Government of Rwanda considers that the statement adopted by the Security Council on 25 October 1993 condemning the *coup d'état* in Burundi must be followed up by concrete, urgent action to stabilize the situation in that country. That is why, mindful of the gravity of the situation in Burundi, which has adverse regional consequences and is even a threat to international peace and security, and mindful of its disturbing humanitarian implications, my Government urges the international community, and the Security Council in particular, to follow up on the recommendations of the Kigali summit by taking urgent measures to help the people of Burundi regain peace and security and restore legality and constitutional order in their country.

Mr. Bull (Liberia), Vice-President, took the Chair.

Hence, our Organization has the immense responsibility of finding urgently a lasting solution to the situation in Burundi. If we do not act immediately, we put at risk the hope engendered by the democratic process in all nations of the world that cherish peace, justice and democracy.

I can assure the Assembly that Rwanda will spare no effort and use every ounce of its energy to help restore peace and democracy in Burundi.

Mr. GELBER (United States of America): The United States strongly supports the African initiative to condemn the action by elements of the military against the democratically elected Government of Burundi. We have demanded and continue to demand that the elected Government be restored to full power and that all elements of the military return to their barracks and submit to the authority of the civilian Government.

We note with satisfaction that the coup attempt has apparently failed and several suspected coup plotters have been arrested or have fled the country. Prime Minister Kinigi and other members of the cabinet have taken important measures to reassert control over the country. We applaud the bravery of the Prime Minister, the Foreign Minister and other Government officials who have persevered throughout the crisis and are now working to consolidate the government's control over the situation.

The United States joins the rest of the world in condemning the murder of President Ndadaye and other high Government officials. This reprehensible action violates the most fundamental principles of law and morality. We extend our sincere condolences to the late President's wife and family and to the families of those who were killed or injured or who have disappeared.

The United States reiterates its demand that those responsible for perpetrating the action against the Burundi Government reveal the whereabouts and fate of all Government officials and others who may have been taken prisoner or disappeared during this action. We support the Government's right to prosecute to the fullest extent of the law those responsible for murder, rebellion and other offences against the Government and the people of Burundi.

We are shocked and deeply saddened by the violence and mounting casualties in Burundi. We urge all sides to refrain from violence and respect the authority of the elected Government.

We salute the freely elected Government and the people of Burundi who remain committed to consolidating their country's democracy. The adoption of our draft resolution today will send a clear signal to all that the international community is unanimous in its support of Burundi's democratic transition and will condemn any attempt to reverse it.

Mr. SAMASSEKOU (Mali) *(interpretation from French)*: The Government of the Republic of Mali learned with acute concern of the putsch carried out in Burundi on 21 October by a military group against the country's democratic institutions. This challenge to that country's established order is a blatant act of defiance of the legitimate aspirations of the people of Burundi to democracy and is also a threat to all new democracies and to all peoples who are fighting for democracy.

The election last June of President Melchior Ndadaye, which crowned the democratic process in Burundi, was hailed by the entire world. The people of Burundi have proven their deep commitment to democratic principles and their readiness to forge their own destiny by turning out *en masse* for the various elections organized during the transition period, elections deemed free, democratic and transparent by the international community.

Unfortunately, the people of Burundi now sees itself stripped of its right to determine freely its future. This situation has already engendered death and hatred and has forced thousands of people into exile.

The reaction of the people and the Government of Mali, concerned about respect for law and democratic legitimacy, was not long in coming. In a declaration issued on 21 October 1993, my Government voiced its acute concern over the military coup, which brought about, on the one hand, the rupture of the democratic process in Burundi and, on the other, the overthrow of the Government and of the legitimate institutions of the country. The Government of Mali condemned this unacceptable situation and invited all the political forces of Burundi to give priority to dialogue with a view to restoring respect for the legal status of the Republic and to reinstating the democratically established institutions. The Government and the people of Mali also voiced their solidarity with all the democratic forces that, stood up against this situation of *fait accompli* in many cases making the supreme sacrifice.

In addition, the Bureau of the National Assembly of Mali, when it met on 21 October, on behalf of all Malian parliamentarians, vehemently protested the situation and unreservedly condemned the military *coup d'état* in Burundi, while declaring its unwavering support for the legitimate Government and democratically elected Parliament of Burundi. The communiqué issued after that meeting reads as follows:

> "The Bureau of the National Assembly learned with consternation of the *coup d'état* that took place today, 21 October, in Burundi against the people and democratic institutions of that friendly country
>
> "In the face of the upsurge of perils threatening democracy in general and in Burundi in particular, the Bureau of the National Assembly on behalf of all Parliamentarians, voices its vehement protest.

"The National Assembly unreservedly condemns the military *coup d'état* in Burundi; declares its unwavering support for the legitimate Government and the democratically elected Parliament in Burundi; urgently appeals to the Union of African Parliaments, the Inter-Parliamentary Union and all interparliamentary institutions to support the Parliament of Burundi in its ordeal; and invites the international community to use international coercive machinery against the putschists, as has been done in the catastrophic case of Haiti, so as to restore to power those who were given power through the will of the sovereign people of Burundi."

Mali's Head of State, for his part, brought the matter before the current President of the Organization of African Unity (OAU), the Secretary-General of the United Nations and the current President of the Conference of French-speaking Countries so that they might envisage whatever radical measures are required by circumstances to restore legality, reinstate all democratic institutions and put an end to the civil war in Burundi.

Since the events of 21 October, the situation in Burundi has deteriorated. Over 10,000 people have been killed, and 600,000 have fled to neighbouring countries, particularly to Rwanda. Even as we speak, massacres are continuing. Members of Burundi society are killing each other. This genocide must be stopped.

The international community must be mobilized, along with the democratic forces within Burundi, to restore democracy and legality. The Government of Mali feels that the following urgent steps must be taken by the international community: reaffirmation of the condemnation of the military *coup d'etat* in Burundi; the total isolation of those who carried out the putsch, through the imposition of political and economic sanctions; the dispatch of a United Nations peace-keeping force, composed mainly of Africans; the provision of humanitarian aid to help displaced persons and the civilian victims who remain where they were.

The events in Burundi cry out to the conscience of the entire international community at a time when Africa must better equip itself to face the continent's many problems.

Mr. MONGBE (Benin): Allow me first, on behalf of the delegation of Benin, to thank the President of the General Assembly, Mr. Samuel Insanally, for his diligence in organizing on Friday 29 October last the moving ceremony during which the General Assembly, which he is leading with such wisdom, paid an impressive tribute to the late President Melchior Ndadaye.

The night from 20 to 21 October 1993 was a long one for Burundi, Africa and the civilized world, that is, the world of democratic forces. It was with great shock and indignation that we learned in the early hours of 21 October 1993, by radio transmissions and the reports of news agencies, the surprising news of the shameful military *coup d'etat* which had taken place in Bujumbura.

For an entire day we laboured under the illusion that those responsible had enough human feeling and decency to spare the lives of the political authorities they had arrested at the time of their unexpected crime. But, alas, our astonishment grew even greater and our indignation turned to disgust when we received details that were even more grim than the news we had learned on the first day: former political figures who had been granted amnesty assassinated in cowardly fashion the authorities the people of Burundi had in full sovereignty elected, in free, transparent and democratic elections, in June 1993 - the first elections this fraternal country held had ever in the 31 years since it gained its independence.

The President and Vice-President of the Republic, the President and Vice-President of the National Assembly, the Minister of the Interior, the Head of the Presidential Security Service and the wife of the Minister for External Affairs and her baby were among the victims cruelly cut down by those responsible for the putsch. This barbarous act, reminiscent of another age, cynically perpetrated by military figures motivated by some unknown demon, cannot leave any human being indifferent. This is why the international community unanimously condemned the putsch,

"which could be a regrettable brake to the progress of the sister Republic of Burundi and an obstacle to the establishment of a state of law for the people of Burundi",

as was stated in a communiqué issued by the Government of Benin when it learned this incredible news.

The fact that this incident was condemned by all African Governments and by the Organization of African Unity shows the progress that democracy has made on the continent. The time has passed when a few adventure-hungry corporals or a handful of ambitious and arrogant officers, thinking they had magic cures for the real problems of the African people, seized power by force of arms.

Africa must not turn its back on history. It must henceforth understand that the way to its economic and social development, and consequently its good health, is the difficult but noble path of democracy. Those

responsible for the putsch of 21 October 1993 wished to turn the history of the people of Burundi around, taking it in the opposite direction from the welcome progress of the people of South Africa.

The delegation of Benin must therefore reiterate here its Government's stern condemnation of the military *coup d'etat* in Bujumbura:

> "The Government and people of the Republic of Benin deplore the fact that, at a time when Africa, and especially sub-Saharan Africa, is called upon by history to take up the challenge of political, economic and socio-cultural development, anachronistic concerns are tainting the hopeful prospects of the people of Burundi and opening up a new era of violence, exclusivity and insecurity instead of democratic security, the first requirement for development.
>
> "The Government and people of the Republic of Benin urge the army of Burundi to respect the freely expressed choice of its people, of all ethnic groups combined, and to understand that its interests can be served only through democracy and mutual respect among all members of Burundi's society, for under democracy and a state of law any form of minority may make itself heard and have its rights respected.
>
> "The Government and people of the Republic of Benin affirm the irreversibility of African democracy and urgently appeal to all democratic forces the world over to take every appropriate step to restore the rights and freedoms of the people of Burundi."

My delegation joins the Ambassador of Algeria, Chairman of the Group of African States for the current month, who has just spoken on behalf of the Group in support of the draft resolution (A/48/L.16), introduced by the Ambassador of Burundi, in asking for the understanding and unanimous backing of the General Assembly, which are necessary for concrete and urgent action to assist the people of Burundi.

My delegation urges the international community to bear in mind that the revival of the demons of inter-ethnic extermination in Burundi and the uncontainable flow of tens and even hundreds of thousands of refugees into neighbouring countries will not serve to guarantee peace and security in Central Africa.

The delegation of Benin welcomes the declaration by the President of the Security Council, condemning the violent *coup d'etat* carried out by the perpetrators of the putsch in Burundi, and the prompt dispatch of a high-ranking envoy to Bujumbura by the Secretary-General of the United Nations to find a solution to the confusion reigning in that capital.

We highly appreciate the visit by the Secretary-General of the Organization of African Unity to Burundi and warmly thank the French authorities who courageously saved the lives of members of the legal Government of Burundi, including the Prime Minister, by offering them asylum and protection at the French Embassy in Bujumbura. The Benin delegation wishes to express its sincere respect for may all the diplomatic missions in Bujumbura that took in and protected peaceful citizens of Burundi who were in danger of being cut down by the perpetrators of the putsch.

In conclusion, my delegation believes that the best tribute the General Assembly could pay to President Ndadaye and his companions, who died for democracy and human dignity, would be to adopt without a vote the draft resolution, which unreservedly condemns the coup demands that the perpetrators lay down their arms - we hope that they will be brought to justice; requests emergency humanitarian assistance - to help refugees and displaced persons; and demands the immediate restoration of democracy and the constitutional regime.

The PRESIDENT: I should like to propose that the list of speakers in the debate on this item be now closed.

It was so decided.

The meeting rose at 1 p.m.